

## **REMARKS/ARGUMENTS**

### **In the Claims:**

Claims 1-5, 11, 28-31, and 33-36 are in this application.

Claims 6-10, 12-27, and 32 have been canceled.

Claims 1 and 11 are currently amended.

Claim 35-36 are new.

### **Claim Rejections**

#### **Allowable Subject Matter**

Claim 32 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (Office Action at page 7).

Accordingly:

Claim 1 has been amended to include the limitations of claim 32 and intervening claim 27. Claims 27 and 32 have been canceled. Therefore, as amended, claim 1 is allowable.

#### **§ 102 Rejections**

Claims 1-3, 11, and 27-30 were rejected under 35 U.S.C. 102(b) as being anticipated by Pan (US 4,983,250). (Office Action at page 2).

As discussed, claim 1 is allowable.

Claim 27 has been canceled.

Claims 2, 3, and 28-30 depend from allowable claim 1. Based at least in part on their dependencies, claims 2, 3, and 28-30 are also allowable.

Claim 11 is currently amended. Independent claim 11 now recites "removing non-diffused portions of the diffusion layer by chemical mechanical polishing." Pan discloses removing undesired portions by etching (Pan at col. 3, lines 59-62). However, Pan does not disclose removing non-diffused portions of the diffusion layer by chemical mechanical polishing. (Pan at col. 3, line 59-col. 4, line 9). Therefore, claim 11 is not anticipated by Pan.

#### § 103 Rejections

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pan in view of Mori et al. (US 5,821,627) (hereinafter "Mori"). (Office Action at page 4).

Claim 4 depends from independent claim 1. As discussed, claim 1 is now allowable. Based at least in part on its dependency, claim 4 is also allowable.

Claims 5 and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pan. (Office Action at Page 5).

Claim 5 depends from independent claim 1. As discussed, claim 1 is now allowable. Based at least in part on its dependency, claim 5 is also allowable.

Claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pan in view of Lee et al. (US 6,521,523) (hereinafter "Lee"). (Office Action at page 6).

Claim 31 depends from independent claim 11. As discussed, Pan does not disclose all the limitations of claim 11. Lee discusses annealing to selectively form aluminum-copper alloys. (Lee, Abstract). However, Lee does not discuss removing non-diffused portions of the diffusion layer by chemical mechanical polishing. (Lee at col. 5, lines 20-31). Therefore, Lee fails to cure the deficiency of Pan with respect to claim 11. Based at least in part on its dependency, claim 31 is not rendered obvious by Pan and Lee.

#### Double Patenting Rejections

Claims 1-5, 11, and 27-34 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,642,158. (Office Action at page 7).

Accordingly, a terminal disclaimer is enclosed in the present filing.

#### Conclusion:

Applicant respectfully submits that claims 1-5, 11, and 27-34 are in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393. A Fee Transmittal is enclosed in duplicate for fee processing purposes. The Examiner is invited to call Blayne Green at (503) 439-8778 if there remains any issue with allowance of this case.

Respectfully submitted,

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